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Attorneys for Defendant

DAMON WALKER, JR.,

Plaintiff,

VS.

MARTIN O'MALLEY,
Commissioner of Social Security,¹

Defendant.

Case No.: 2:22-cv-01871-EJY

MOTION FOR ENTRY OF JUDGMENT

Defendant Martin O'Malley, Commissioner of Social Security (the "Commissioner"), through his undersigned counsel, hereby requests that the Court enter a final judgment in this case. The Federal Rules of Civil Procedure require that "[e]very judgment and amended judgment must be set out in a separate document" and provide that "[a] party may request that judgment be set out in a separate document[.]" Fed. R. Civ. P. 58(a), (d).

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 On January 4, 2024, the Court issued an Order granting Plaintiff's Motion to Remand and
2 denying Defendant's Countermotion to Affirm the Agency Decision (Doc. No. 24). However, the Court
3 has not yet issued a judgment corresponding to this Order. The Commissioner requires a judgment
4 document to be able to effectuate the Court's Order. For this reason, the Commissioner requests that the
5 Court enter judgment in this case. *See* Fed. R. Civ. P. 58(d).

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7 Dated: January 18, 2024

Respectfully submitted,

8 JASON M. FRIERSON
9 United States Attorney

10 */s/ David Priddy*
11 DAVID PRIDDY
12 Special Assistant United States
13 Attorney

14 IT IS SO ORDERED.

15 IT IS FURTHER ORDERED that the Clerk of
16 Court shall close this case and enter judgment
17 accordingly.

18 
19 U.S. MAGISTRATE JUDGE

20 Dated: January 18, 2024
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